

RECEIVED

WESTFIELD-WASHINGTON TOWNSHIP APPLICATION FORM

VARIANCE APPLICATION

NOV 26 2014

OFFICE
USE ONLYDOCKET #: 1501-VU-01 FILING DATE: 11-26-14
FILING FEE: \$ 550- FEE PLUS \$ - PER ADDITIONAL VARIANCE (@ -) = \$ 550-

PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: Jesse Pohlman (STAFF NAME) DATE: November 24, 2014

PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: _____ AMENDMENTS: _____ DEVELOPMENT PLAN: _____

PRIMARY PLAT: _____ SECONDARY PLAT: _____ VARIANCE(S): 0608-VU-004

APPLICANT INFORMATION

APPLICANT'S NAME: David Koone TELEPHONE: (317) 379-8885ADDRESS: 13234 Antonia Blvd, Carmel, IN 46074 EMAIL: dkoone@gmail.comPROPERTY OWNER'S NAME: Paul Hallam TELEPHONE: (317) 846-8936ADDRESS: 1807 East 116th Street, Carmel, IN 46032 EMAIL: _____

REPRESENTATIVE'S NAME: _____ TELEPHONE: _____

COMPANY: _____ EMAIL: _____

ADDRESS: _____

PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 180 South Cherry Street, Westfield, IN 46074COUNTY PARCEL ID #(S): 09-10-06-01-02-021.001EXISTING ZONING DISTRICT(S): 420 EXISTING LAND USE(S): LBH

VARIANCE REQUEST

☒ VARIANCE OF LAND USECODE CITATION: Article 13.2☐ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: _____FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): _____

Applicant recently purchased a franchise agreement to operate the national lawn care franchise, Lawn Doctor and would like to make Westfield the home for this new business. The proposed use would be for an office/warehouse for the lawn care business serving the local Westfield community.

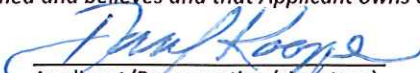
Construction Trade office

The use would be similar to the previous businesses at this location (plumbing and carpet cleaning services) and would therefore have the same (or less) impact to the surrounding area.

There will be no increased traffic to the site as this is not a showroom and will not be used as retail space for this business.

**APPLICANT AFFIDAVIT**

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.



Applicant/Representative (signature)

David Koone
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

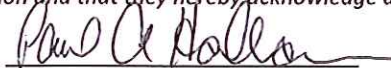
Witness my hand and Notarial Seal this 26 day of November, 2014.

State of Indiana, County of Hamilton, SS:


Notary Public Signature
Sherree L. Campbell
Notary Public (printed)

PROPERTY OWNER AFFIDAVIT

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.



Property Owner (signature)*

Paul Hallam
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 26 day of November, 2014.

State of Indiana, County of Hamilton, SS:


Notary Public Signature
Sherree L. Campbell
Notary Public (printed)

*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

GRANTOR: MMCD REALTY, an Indiana Partnership

Signature: [Signature]

Printed: F. Tim Martin

Title: Partner

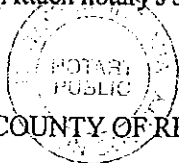
STATE OF Indiana,
COUNTY OF Hamilton) SS:

ACKNOWLEDGMENT

Before me, a Notary Public in and for said County and State, personally appeared F. Tim Martin, the Partner of MMCD REALTY, an Indiana Partnership, who acknowledged the execution of the foregoing Deed for and on behalf of said Grantor, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 20th day of September, 2006.

(Attach notary's seal)



Ladonna G. Thompson

My Commission

COUNTY OF RESIDENCE: Hamilton EXPIRES: 07-03-07

Signature

[Signature]

Printed

MY COMMISSION EXPIRES: _____

Send Tax Bills to: 1807 E. 116th St, Carmel, IN 46032

This instrument was prepared by ROBERT R. THOMAS, Attorney at Law, 540 Westfield Road, Noblesville, IN. 46060.

File No. 290606199

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law _____.

VARIANCE APPLICATIONS

**GENERAL INSTRUCTIONS**

- A. **Pre-Filing Conference:** A pre-filing conference is required for all petitions. An appointment must be made with the Economic and Community Development Department (the "Department") to discuss a petition prior to filing. An application will not be considered filed until a pre-filing conference has occurred. Applicants are encouraged to incorporate the Department's comments into the application prior to filing.
- B. **Filing Petition:** A petition shall be filed with the Department by the filing deadline in accordance with the Schedule of Meeting and Filing Dates. In order to be deemed a complete petition, a petition shall include the following:
- | | |
|--|--|
| <input checked="" type="checkbox"/> Completed Application | <input checked="" type="checkbox"/> Filing Fee Check (made out to "City of Westfield") |
| <input checked="" type="checkbox"/> Legal Description | <input checked="" type="checkbox"/> Copy of Property Deed |
| <input type="checkbox"/> Draft Public Notice | <input type="checkbox"/> List of Adjoining Property Owners (as provided by County) |
| <input checked="" type="checkbox"/> Property Owner Consent | <input checked="" type="checkbox"/> TAC Delivery Affidavit (if TAC is determined to be necessary) |
| <input checked="" type="checkbox"/> Site Plan (to scale) | <input checked="" type="checkbox"/> Vicinity Map (including property within 500 feet) |
| <input type="checkbox"/> Statement of Intent | <input checked="" type="checkbox"/> Elevations, photographs or other supporting information necessary to explain the nature of the requested variance(s) |
- C. **Technical Advisory Committee (TAC):** The applicant is responsible for submitting a copy of the application and related information to Technical Advisory Committee members prior to filing, if determined by the Department to be necessary. An affidavit confirming delivery of information is required to be completed and signed by the applicant and submitted with the petition. Technical Advisory Committee meetings are held in the City Services Building (2728 East 171st Street, Westfield, IN 46074) in accordance with the Schedule of Meeting and Filing Dates. A representative must be present at this meeting.
- D. **Public Hearing and Notice:** All variance petitions require a public hearing by the Board of Zoning Appeals. The public hearing is held at City Hall, 130 Penn Street, Westfield, Indiana, in accordance with the Schedule of Meeting and Filing Dates. Notice of the hearing is required in accordance with the Board's [Rules of Procedure](#):
1. **Newspaper Publication:** Notice of the hearing will be published in the Indy Star and The Times. The Department will handle the newspaper publication requirement.
 2. **Mailed Public Notice:** The applicant is responsible to send public notice by mail to all interested parties by certified mail with return receipt requested (green card), postmarked at least ten (10) days prior to the hearing. A list of adjacent property owners may be obtained from the **Hamilton County Auditor, Office of Transfers and Mapping** (33 North 9th Street, Noblesville, IN 46060, (317) 776-9624), and shall include all owners of property to a depth of two (2) ownerships of no direct or indirect financial or other interest to the applicant or property owner or one-eighth of a mile (1/8), whichever is less.
 3. **Public Notice Sign:** The applicant is responsible to post a public notice sign(s) on the property at least ten (10) days prior to the public hearing. The Department will determine sign locations and will make signs available for the applicant to obtain in the office of the Department.
 4. **Affidavit of Notice of Public Hearing:** The applicant shall deliver a copy of the mailed notice and a signed affidavit, verifying that the notices were mailed and the public notice sign(s) was posted on the subject property, to the Department at least four (4) calendar days prior to the public hearing.
- E. **Ex-parte Communication:** In no event shall applicants or other interested parties contact or attempt to communicate with members of the Board in regard to a filed variance petition prior to the public hearing.
- F. **Revised Materials:** If the applicant wishes to submit additional or revised information than what is filed, then the applicant shall submit those to the Department no later than ten (10) days prior to the public hearing.
- G. **Board's Consideration:** Following the public hearing, the Board may either approve, approve with conditions, deny or continue the petition.
- H. **Resource:** Please see the Board's [Rules of Procedure](#) for more detailed procedural information.

FINDINGS OF FACT (VARIANCE OF USE)

APPLICANT: David KooneDOCKET #: 1501 - vu - 01

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below. A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

- A. The use will not be injurious to the public health, safety, morals, and general welfare of the community because: The use would have the same of less impact than the previous businesses at this location.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: One of the adjacent properties is zoned SF-3. The use and value of all areas adjacent to the property would not be adversely affected since the use would be similar to the previous businesses at this location (plumbing and carpet cleaning services) and would therefore have the same (or less) impact to the surrounding area as the three previous business's use of the property. All business activity (warehouse storage and office use) would take place in the interior of the building. The applicant intends to clean up the property and improve the image of the property (e.g. landscaping, lighting, painting, roof repair) in a manner that will add value to the adjacent properties.
- C. The need for the variance arises from some condition particular to the property involved because: The application intends to purchase the property from the existing owner for intended owner-occupied use for the operation of a new business serving Westfield. The building condition and structure is conducive and very well-suited for a lawn care business - with it's large warehouse space with electric garage doors and appropriately sized office space.
The variance is needed for this particular property because the Purchase Agreement is contingent upon government approval of applicant's intended use.
- D. The strict application of the terms of the Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because: If the variance sought is not approved in the same manner as the previous businesses, the purchase of the property will be impeded - which would negatively impact the interests of both the buyer and the seller. The amount of resources invested in legal and diligence would be forfeited but more importantly if the purchase is hindered both parties would be forgoing a mutually beneficial transaction.
- E. The variance of use does not interfere substantially with the Comprehensive Plan because: The property is located on the fringe of the proposed retail develop plans and is located in what is currently a more industrial area. It is the applicant's intention to provide professional services to the meet the needs of the nearby community (both residential and businesses) and add value to surrounding community.

WARRANTY DEED

THIS INDENTURE WITNESSETH, That MMCD REALTY, an Indiana Partnership, (hereinafter referred to as Grantor) *CONVEYS AND WARRANTS* to PAUL A. HALLAM, (Grantee), for the sum of Ten and 00/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the following described real estate in Marion County, State of Indiana:

PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 18 NORTH,
RANGE 4 EAST, HAMILTON COUNTY, INDIANA, AND
BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 38 IN THE ORIGINAL
PLAT OF THE TOWN OF WESTFIELD, INDIANA, THE PLAT OF WHICH IS
RECORDED IN DEED RECORD D, PAGE 121, IN THE OFFICE OF THE
RECORDER OF HAMILTON COUNTY, INDIANA; THENCE SOUTH, ON AND ALONG
THE WEST LINE OF SAID LOT 38 AND SAID WEST LINE EXTENDED,
185.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH, ON
AND ALONG SAID WEST LINE EXTENDED, 78.75 FEET; THENCE EAST,
PARALLEL WITH THE NORTH LINE OF SAID LOT 38 165 FEET; THENCE
NORTH PARALLEL WITH SAID WEST LINE EXTENDED, 78.75 FEET; THENCE
WEST, PARALLEL WITH SAID NORTH LINE, 165 FEET TO THE POINT OF
BEGINNING.

Subject to Real Estate Taxes not delinquent and to any and all easements, agreements and restrictions of record.

The address of such real estate is commonly known as 180 S. Cherry Street, Westfield, IN 46074. Tax bills should be sent to Grantee at such address unless otherwise indicated below.

The undersigned persons executing this deed on behalf of Grantor represent and certify that the undersigned is the general partner of the Grantor and has been fully empowered by proper resolution, or by the Partnership Agreement of the Grantor, to execute and deliver this deed; that the Grantor is a limited partnership in good standing in the State of Indiana; that Grantor has full capacity to convey the real estate described; and that all necessary action for the making of this conveyance has been duly taken and done.

IN WITNESS WHEREOF, Grantor has executed this deed this 20th day of September, 2006.

0910060102021001

Hallam, Paul A

180 S CHERRY ST

420

ADMINISTRATIVE INFORMATION

PARCEL NUMBER
0910060102021001

Parent Parcel Number

Property Address
180 S CHERRY ST

Neighborhood
700407 WESTFIELD DOWNTOWN-SR 32 AREA

Property Class
420 Com Small retail LT 10000 SF

TAXING DISTRICT INFORMATION

Jurisdiction 29

Area 008

Corporation Y

District 09

OWNERSHIP - Deeded Owner

Hallam, Paul A
1807 116th St E
Carmel, IN 46032

Acreage .30, Section 6, Township 18, Range 4

Tax ID 29-10-06-102-021.001-015

TRANSFER OF OWNERSHIP

Date

09/27/2006 MMCD Realty

06/17/2004 Elliott, J Richard

\$235000

\$185000

Printed 08/01/2014 Card No. 1 of 1

COMMERCIAL

VALUATION RECORD

Assessment Year	03/01/2008	03/01/2009	03/01/2010	03/01/2011	03/01/2012	03/01/2013	03/01/2014
Reason for Change							
VALUATION							
Appraised Value	L 19300 B 212200 T 231500	Trend 19300 225900 245200	Trend 19300 225900 245200	Trend 19300 225900 245200	2012 Reval 19300 223700 243000	Trend 19300 226500 245800	Trend 19400 226500 245900
VALUATION							
True Tax Value	L 19300 B 212200 T 231500	Trend 19300 225900 245200	Trend 19300 225900 245200	Trend 19300 225900 245200	19300 223700 243000	19300 226500 245800	19400 226500 245900

Site Description

Topography:

Level

Public Utilities:

All

Street or Road:

Paved

Neighborhood:

Static

Zoning:

1 PRIMARY

Legal Acres:

0.3000

Admin Legal

0.3000

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acreage	150	Depth Factor	Rate	Rate	Value	Factor	
Actual Effective	Frontage	Effective	Square Feet	Rate	Rate	Value		
Frontage	Frontage	Depth						
	0.3000	1.85	35000.00	64750.00	19430			19430

RR11: SRB
TIF: 90906

Supplemental Cards

TRUE TAX VALUE

19430

FARMLAND COMPUTATIONS

Parcel Acreage
81 Legal Drain NV [-]
82 Public Roads NV [-]
83 UT Towers NV [-]
9 Homesite(s) [-]
91/92 Excess Acreage [-]
TOTAL ACRES FARMLAND
TRUE TAX VALUE

0.3000 Measured Acreage
Average True Tax Value/Acre

TRUE TAX VALUE FARMLAND

Classified Land Total

Homesite(s) Value (+)

Excess Acreage Value (+)

Supplemental Cards

TOTAL LAND VALUE

19400

0910060102021001

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

ROOFING

	B	1	2	U
		Yes		
WALLS				
Frame				

Frame
Brick
Metal
Guard

FRAMING

Wd Jst B 1 2 0 0

ESTIMATE

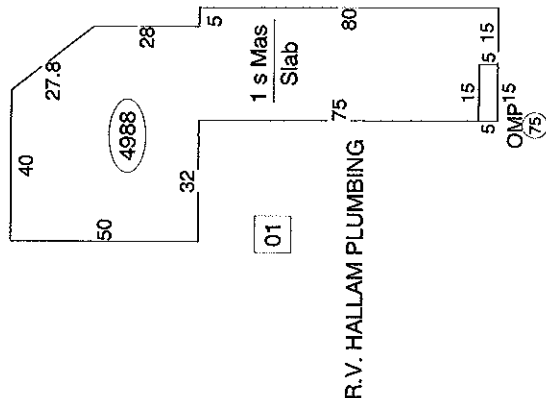
	UF	SF	FO	FD
1	2663	1800	0	525
Total	2663	1800	0	525

HEATING AND AIR CONDITIONING

Beat	B	1	2	U
A/C	0	4988	0	0
	0	2325	0	0

PLUMBING Residential Commercial

Full Baths	4
Half Baths	4
Extra Fixtures	0
TOTAL	



SPECIAL FEATURES

Description	Value	ID	Use	Sty	Const	Year	Eff	Base	Feat-	Adj	Size	or	Computed	Phys	Obsol	Market	2		
				Hgt	Type	Grade	Const	Year	Const	Rate	Rate	Area	Value	Value	Depr	Depr	Adj	Comp	Value
C	SMSHOP	0.00	C	1978	1979	A	0.00	N	0.00	4988	258380	15	0	100	100	219600			
01	PAVING	5.00	85	C	1967	1968	A	2.50	N	3924	9810	30	0	100	100	6900			

(LCM: 100.00)

Neighborhood	Supplemental Cards	226500
	TOTAL IMPROVEMENT VALUE	

Address: 180 South Cherry Street, Westfield 46074

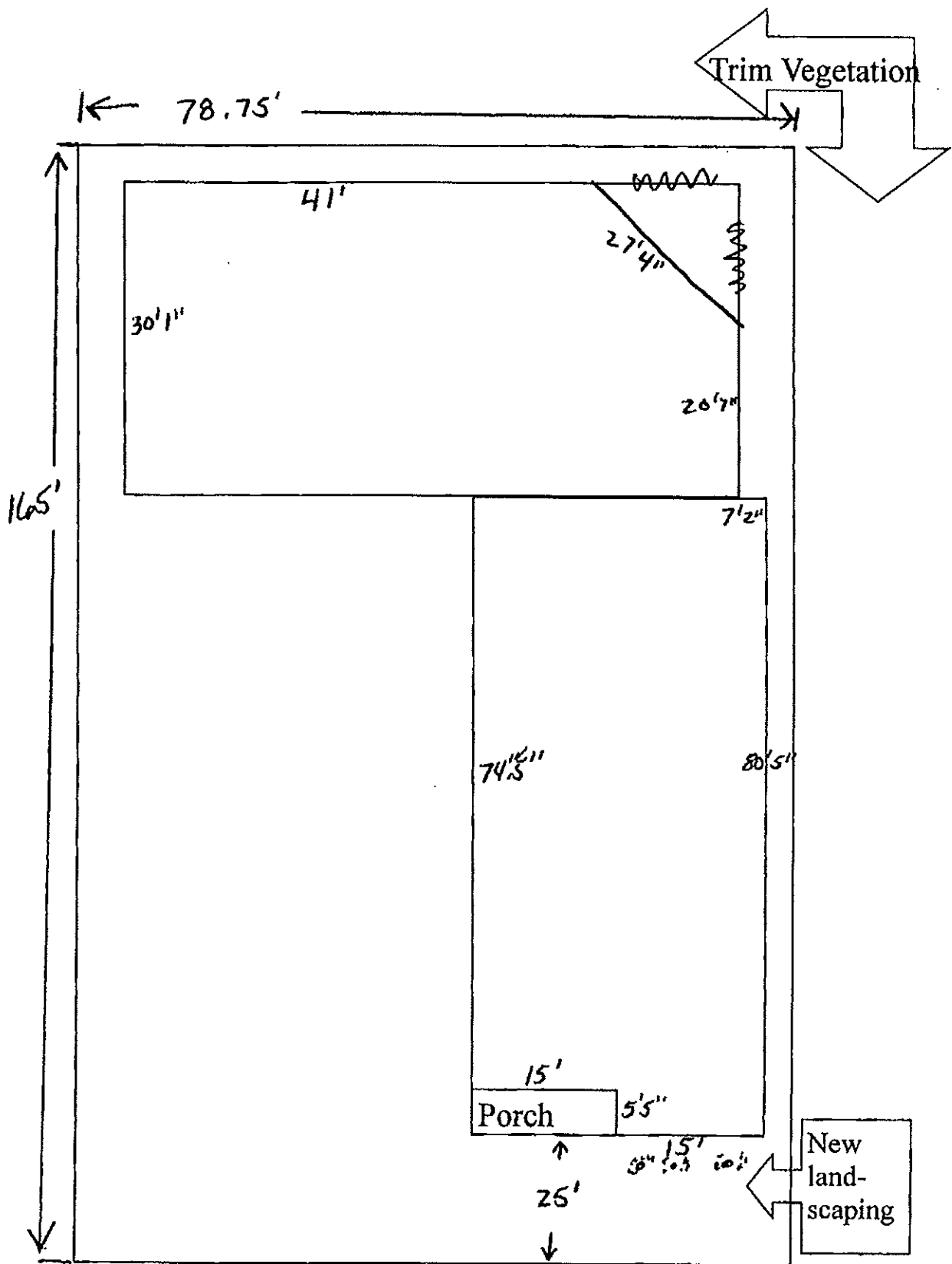
Parcel No: 09-10-06-01-02-021.001
State Parcel No: 2910-06-102-021.001-015

Property Class: 420 (Commercial Small Retail)
Property Use: LBH

Tax District: Westfield
TIF Code: 90906
TIF District: Grand Junction - Westfield
Precinct: Southeast Westfield 1

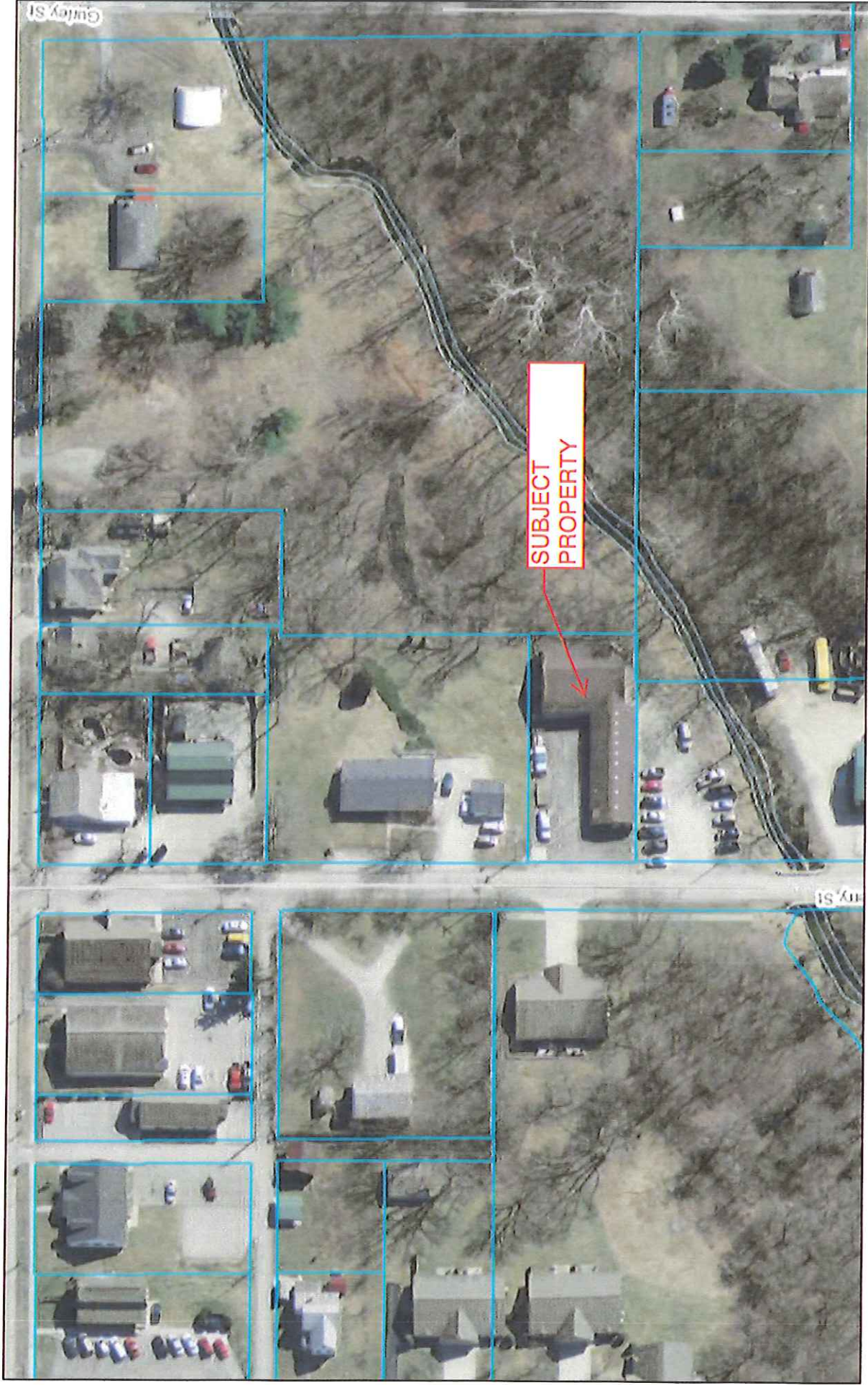
Deeded Acres: 0.3
Perimeter: 487'
Area: 12,993 SF

Deeded Owner: Paul A. Hallam
Buyer/Applicant: David Koone

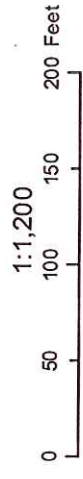


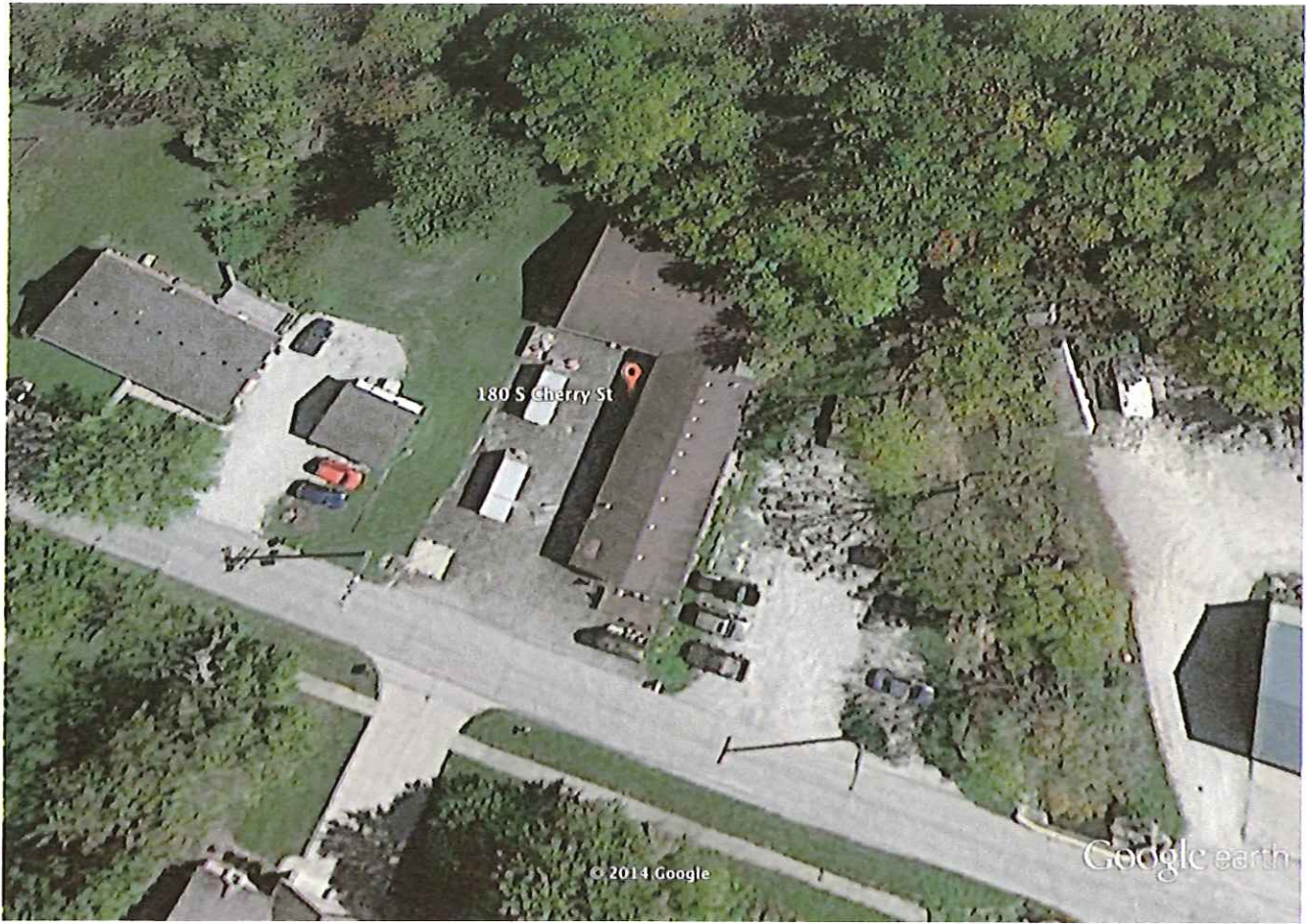
- ① NEW LANDSCAPING 3 SHRUBS & FLOWERS
- ② BUILDING TO GET NEW PAINT + OVERHEAD DOOR IN EXISTING OPENING.

180 S Cherry St



October 15, 2014





Google earth

feet 100
meters 40



